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Message Text

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ORIGIN L-03

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* ---------- 055525
P 091955Z JAN 74
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO PRIORITY

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E.O. 11652: N/A
TA S: CVIS, PBOR, SGEN, MX
SUBJECT: AMENDMENT OF VISA AGREEMENT
REF: A.* MEXICO 9504; B. MEXICO 9505

1.* DEPARTMENT HAS CONSIDERED POINTS RAISED BY GOM REF A WITH REGARD TO AMENDMENT OF VISA AGREEMENT. WITH RESPECT TO PARA L(A), REF A, IT SHOULD BE NOTED THAT AGREEMENT EFFECTED BY EXCHANGE OF NOTES BETWEEN TWO GOVERNMENTS CONSTITUTES SINGLE AGREEMENT AND CONSEQUENTLY IT IS NOT USG PRACTICE, IN CASE WHERE AMENDMENT OF SUCH AGREEMENT IS SOUGHT THROUGH SUBSEQUENT EXCHANGE OF NOTES, TO REFER SPECIFICALLY TO RESPECTIVE PASSAGES IN EACH GOVERNMENT'S ORIGINAL NOTE. WE WOULD PREFER NOT TO DEPART FROM THIS PRACTICE, ESPECIALLY WHERE (AS HERE) THE PROVISIONS OF THE AGREEMENT ARE SET FORTH IN NUMBERED ARTICLES.

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2. WITH RESPECT TO GOM'S CONCERN ABOUT INITIATION OF

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EXCHANGE, PARA L(B), REF A, DEPARTMENT WOULD HAVE NO OBJECTION TO EMBASSY'S INITIATING EXCHANGE. IN SUCH CASE, HOWEVER, WE WOULD PROPOSE THAT LANGUAGE OF NOTE BE ALTERED TO INDICATE THAT PROPOSAL FOR DELETION OF ARTICLE 1 OF VISA AGREEMENT AROSE FROM DISCUSSIONS HELD

BETWEEN REPRESENTATIVES OF BOTH GOVERNMENTS, SO AS TO AVOID AS FAR AS POSSIBLE APPEARANCE THAT PROPOSAL ORIGINATED SOLELY WITH USG AND WAS NOT DISCUSSED WITH GOM BEFORE NOTE WAS SENT.

3. INSOFAR AS PRIVILEGES OF IBWC PERSONNEL ARE CONCERNED, PARA L(C), REF A, DEPARTMENT BELIEVES CONTINUENCE OF BORDER CROSSING PRIVILEGES FOR IBWC PERSONNEL SHOULD BE RECOGNIZED IN THIS AGREEMENT BECAUSE OF THEIR EXCEPTIONAL NATURE, AND WOULD PREFER THAT LANGUAGE REFERRING TO 1944 TREATY BE CONTAINED IN TEXT OF NOTE, CONSIDERING THAT FUTURE DIFFICULTIES MAY ARISE IF MANNER OF ENJOYMENT OF PRIVILEGES IS ESTABLISHED ONLY ON BASIS GOM INSTRUCTIONS,WHICH ARE SUBJECT TO AMENDMENT.8 MOREOVER WHILE WE AGREE THAT EXCHANGE OF NOTES WOULD NOT ALTER PROVISIONS OF 1944 TREATY, SUCH EXCHANGE COULD AFFECT PROCEDURES FOR ENJOYMENT OF PRIVILEGES ESTABLISHED UNDER THAT TREATY, AND LANGUAGE OF NOTE SHOULD BE REPHRASED ACCORDINGLY.

4. TAKING INTO ACCOUNT THE FOREGOING OBSERVATIONS, DEPARTMENT SUGGESTS THAT DRAFT NOTEW REF B BE REDRAFTED TO READ AS FOLLOWS: QUOTE: I HAVE THE HONOR TO PROPOSE TO YOUR EXCELLENCY, PURSUANT TO DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS, THE DELETION OF ARTICLE 1 OF THE AGREEMENT BETWEEN THE UNITED STATES AND MEXICO ON PASSPORTS AND VISAS, EFFECTED BY EXCHANGE OF NOTES DATED AT MEXICO OCTOBER 28 AND NOVEMBER 10, 1953. PARAGRAPH. IT IS UNDERSTOOD THAT TERMINATION OF THE AFORESAID ARTICLE WILL IN NO WAY AFFECT THE PRESENT PROCEDURES FOR THE APPLICATION OF ARTICLES 2 AND 20 OF

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THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES RELATING TO THE UTILIZATION OF THE WATERS OF THE COLORADO AND TIJUANA RIVERS, AND OF THE RIO GRANDE (RIO BRAVO), SIGNED AT WASHINGTON, FEBRUARY 3, 1944. PARAGRAPH. IF YOUR EXCELLENCY'S GOVERNMENT AGREES WITH THE AFOREMENTIONED PROPOSAL, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR EXCELLENCY'S AFFIRMATIVE RESPONSE THERETO CONSTITUTE AN AGREEMENT BE-

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TWEEN OUR TWO GOVERNMENTS TO AMEND THE ABOVE-MENTIONED AGREEMENT BY DELETING ARTICLE 1 THEREOF, SUCH AMENDMENT TO ENTER INTO EFFECT 30 DAYS AFTER THE DATE OF YOUR EXCELLENCY'S *EPLY. UNQUOTE.

5. EMBASSY MAY HOWEVER OMIT IBWC REFERENCE IF GOM OBJECTS AND EMBASSY IS SATISFIED OMISSION WOULD NOT AFFECT EXERCISE OF IBWC PRIVILEGES. KISSINGER

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